

Aquidneck Island Citizen's Advisory Board
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March 9, 2001

Mr. James Shafer
U.S. Department of the Navy
Naval Facilities Engineering Command
Northern Division
10 Industrial Highway
Code 1823, Mail Stop 82
Lester, PA 19113-2090

RE: Natural Resource Damages, Naval Station Newport

Dear Jim:

We appreciate the Navy arranging for Mr. Yaroschak (and others) to address the meeting of the Restoration Advisory Board (RAB) on January 17, 2001 regarding natural resource injuries and damages at Naval Station Newport. As a follow-up to that meeting, the Aquidneck Island Citizens Advisory Board requests the following:

1. A copy of the DoD policy that excludes the use of negotiated settlements to address injuries to natural resources;
2. A point-of-contact within the Navy and the Department of Justice for future correspondence with respect to natural resource injuries and damages;
3. Your assistance in forwarding this request to appropriate personnel within the Navy until another point-of-contact is provided for information on natural resource injuries and damages.

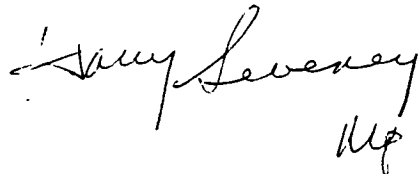
During discussions at the RAB meeting on January 17, 2001, the requirements of CERCLA were discussed whereby the Navy is obligated to compensate for injuries to natural resources that occurred prior to implementation of remedial actions and any remaining injuries post-remediation. At the meeting, the Navy was clear that any such compensation for natural resource injuries, beyond implementation of remedial actions, was not part of the Environmental Restoration program (i.e., DERA funds). CERCLA at 122(j) provides the natural resource trustees two options for addressing natural resource injuries – through either a negotiated settlement or through filing a claim. Although the natural resource trustees at the site (NOAA, U.S. Fish & Wildlife, and RIDEM) favor use of a negotiated settlement, the Navy stated clearly that it is DoD policy to require that a claim be filed for natural resource injuries. We have been provided with a copy of a DoD interim policy dated May 2, 2000 entitled "Interim Policy on Integration of Natural Resource Injury Responsibilities and Environmental Restoration Activities." However, this policy only addresses those activities that will be funded under DERA and does not address natural resource damages through either a negotiated settlement or claim

process. Therefore, the AICAB respectfully requests a copy of the DoD policy that excludes the use of negotiated settlements to address injuries to natural resources.

Recognizing that natural resource damages may be outside the Environmental Restoration program within the Navy and that your particular responsibilities at Naval Station Newport are for the Environmental Restoration Program, we request that the Navy provide us with an appropriate point-of-contact for future correspondence regarding natural resource injuries and damages. In addition, at the RAB meeting of January 17, the Navy indicated that this process would likely involve the Department of Justice. Therefore, we also request that the Navy provide us with a point of contact at the Department of Justice for further information regarding natural resource injuries and damages. In the interim, we appreciate your assistance in forwarding our requests to appropriate personnel for a response.

We appreciate your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry Seveney". Below the main signature, there is a smaller, less legible handwritten mark that could be interpreted as "Hf" or a similar monogram.

AQUIDNECK ISLAND CITIZENS ADVISORY BOARD
Harry Seveney, Chair

cf: Paul Kulpa, RIDEM; Kimberly Keckler, EPA; Ken Finkelstein, NOAA;
Lincoln Chafee, U.S. Senate; Patrick Kennedy, U.S. Congress; Lincoln Almond, Governor